

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2006 JUN 19 PM 5:20

CLERK *L. Henderson*
SO. DIST. OF GA.

NUHAD NAIME-NAIME,)
)
Plaintiff,)
)
v.) CV 306-20
)
FNU MONTHFORD, FNU ROY,)
)
Defendants.)

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff has filed a complaint alleging violations of 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). He is proceeding pro se and requested permission to proceed *in forma pauperis*. On March 27, 2006, the Court directed plaintiff to return his Prisoner Trust Fund Account Statement and Consent to Collection of Fees forms within thirty (30) days and advised plaintiff that all prisoners, even those proceeding *in forma pauperis*, must pay the filing fee of \$250.00 in full. 28 U.S.C. § 1915(b)(1). The Court cautioned plaintiff that failure to respond would be an election to have this case voluntarily dismissed without prejudice. Plaintiff failed to respond.

On May 1, 2006, the Court granted plaintiff ten (10) additional days to comply with the terms of the Court's March 27, 2006, Order. Once again, plaintiff was warned that his failure to comply in a timely fashion with the Court's Order would result in a recommendation that his case be dismissed. The time to respond has passed, and plaintiff

has not submitted the documents required by the Court's March 27, 2006 Order, nor has he provided the Court with any explanation why he has not complied.

Plaintiff cannot proceed IFP unless he submits the requisite Trust Fund Account Statement and consents to the collection of the entire \$250.00 filing fee in installments. Wilson v. Sargent, 313 F.3d 1315, 1319, 1321 (11th Cir. 2002) (*per curiam*) (citing 28 U.S.C. § 1915). Plaintiff has been warned repeatedly that failing to return the necessary IFP papers would be an election to have his case voluntarily dismissed. As plaintiff has neither fulfilled the requirements for proceeding IFP, nor paid the filing fee, the Court **REPORTS** and **RECOMMENDS** that this case be **DISMISSED**, without prejudice.

SO REPORTED and RECOMMENDED this 19th day of June, 2006, at Augusta, Georgia.



W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE